

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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XUGUANG CHANG, JUN NING, HAITAO	:
WANG a/k/a Leo Wang, and CHUAN HUI	:
WANG, on their own behalf and on behalf of	:
others similarly situated,	:
	:
<i>Plaintiffs,</i>	:
	:
<i>-against-</i>	:
	:
CK TOURS, INC d/b/a CK Tours; d/b/a Da	:
Xing Tours; WIN LI TOURS, INC d/b/a Win Li	:
Tour; d/b/a Heng Xing Tours; SKYLINER	:
TRAVEL & TOUR BUS CORP d/b/a Skyliner	:
Travel; HYON-SAK KIM a/k/a Peter Kim, and	:
JOANNA LAU a/k/a Kin-Ching Lau,	:
	:
<i>Defendants.</i>	:
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18 Civ. 6174 (PAC)

**ORDER**

This Order summarizes the Court’s rulings on several pretrial matters announced at the final pretrial conference held on April 13, 2022.

- The Court **DENIES** as moot Defendants’ First Motion *in Limine*, which seeks to introduce “the Complete Tour Guide Schedules,” from D000174 to D000243, on completeness grounds. Defendants have indicated on p. 7 of the Proposed Pretrial Order, ECF No. 109, that they intend to introduce D000174 to D000243, and Plaintiffs do not object.
- The Court **DENIES**, pending authentication at trial, Defendants’ Second Motion *in Limine*, which seeks to exclude Plaintiffs’ Exhibit P-12 on authentication grounds and under Rule 403 of the Federal Rules of Evidence. The documents are relevant, and the probative value of the documents as to disputed issues of employment and joint employment is not substantially outweighed by unfair prejudice, confusion, or other factors under Rule 403. If Plaintiffs can properly authenticate the documents at trial under Rule 901, the documents

may be admitted. The parties have been directed to cooperate to resolve issues of translation.

- The Court **DENIES**, pending authentication at trial, the portion of Defendants' Third Motion *in Limine* that seeks to exclude Plaintiffs' Exhibits P-3 and P-4 on authentication grounds. Once again, if Plaintiffs can properly authenticate the documents at trial under Rule 901, the documents may be admitted. The parties, again, have been directed to cooperate to resolve issues of translation.
- The Court also **DENIES** the portion of Defendants' Third Motion *in Limine* that seeks to exclude Plaintiffs' Exhibit P-1 on hearsay grounds. Defendant Kim's interrogatory responses are non-hearsay party-opponent statements under Rule 801.
- Finally, the Court **DENIES** Defendants' contention, articulated at p. 2 of the Proposed Pretrial Order, that Plaintiffs' New York state law overtime claims should be dismissed for lack of subject matter jurisdiction. The Court exercises supplemental jurisdiction over these claims.

Dated: New York, New York  
April 13, 2022

SO ORDERED



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HONORABLE PAUL A. CROTTY  
United States District Judge